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"Charter Oak"

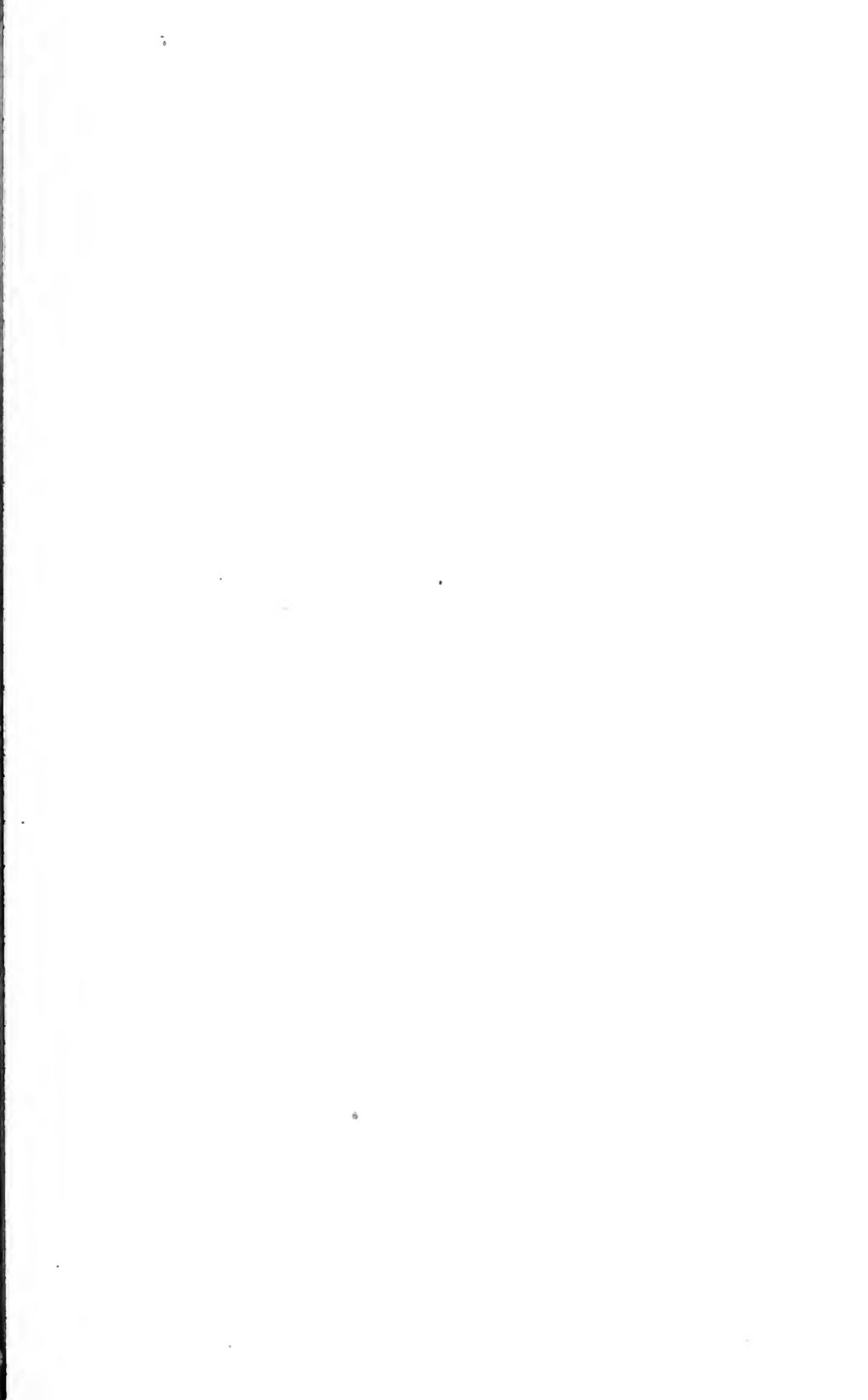
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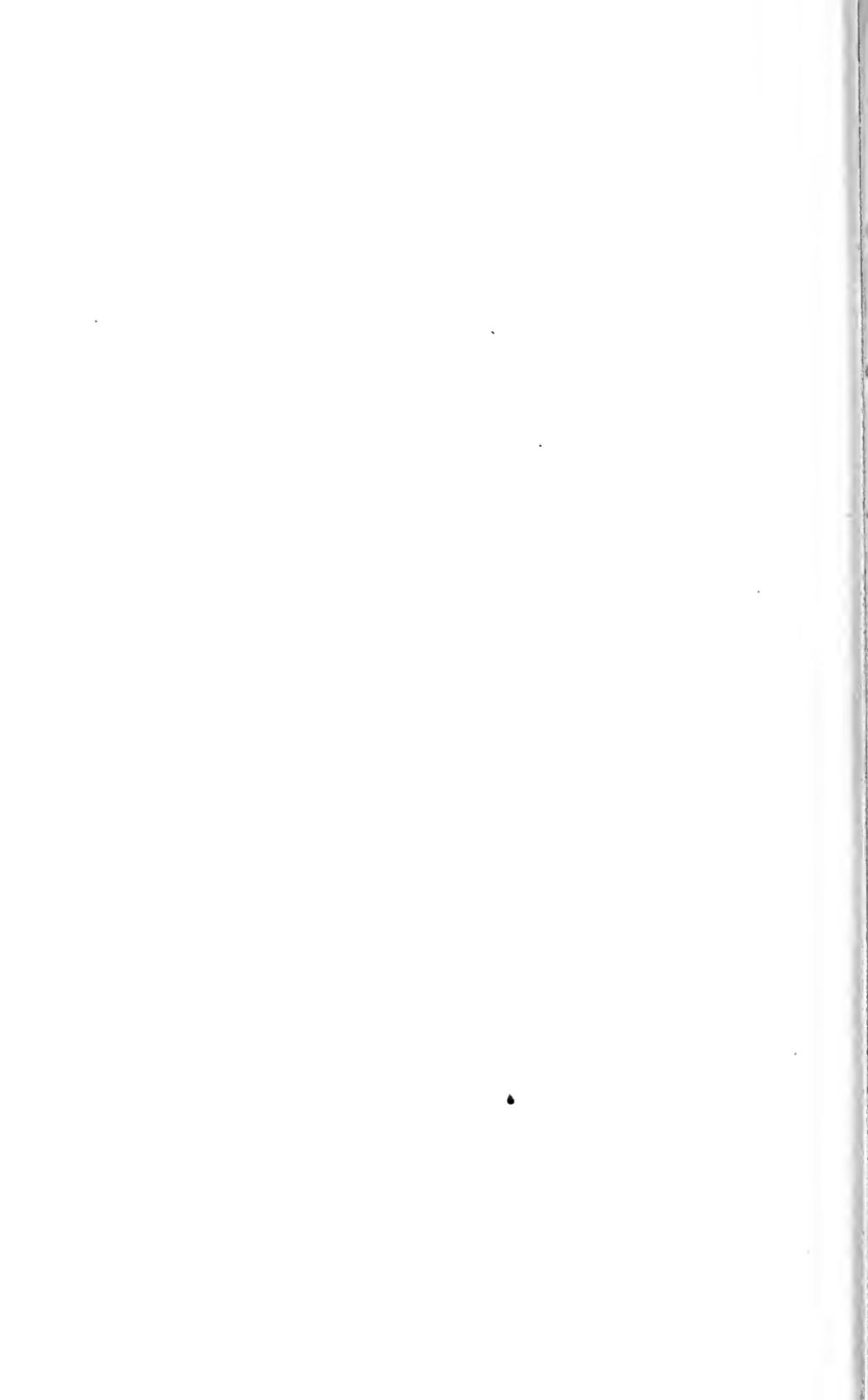
Albert C. Bates.



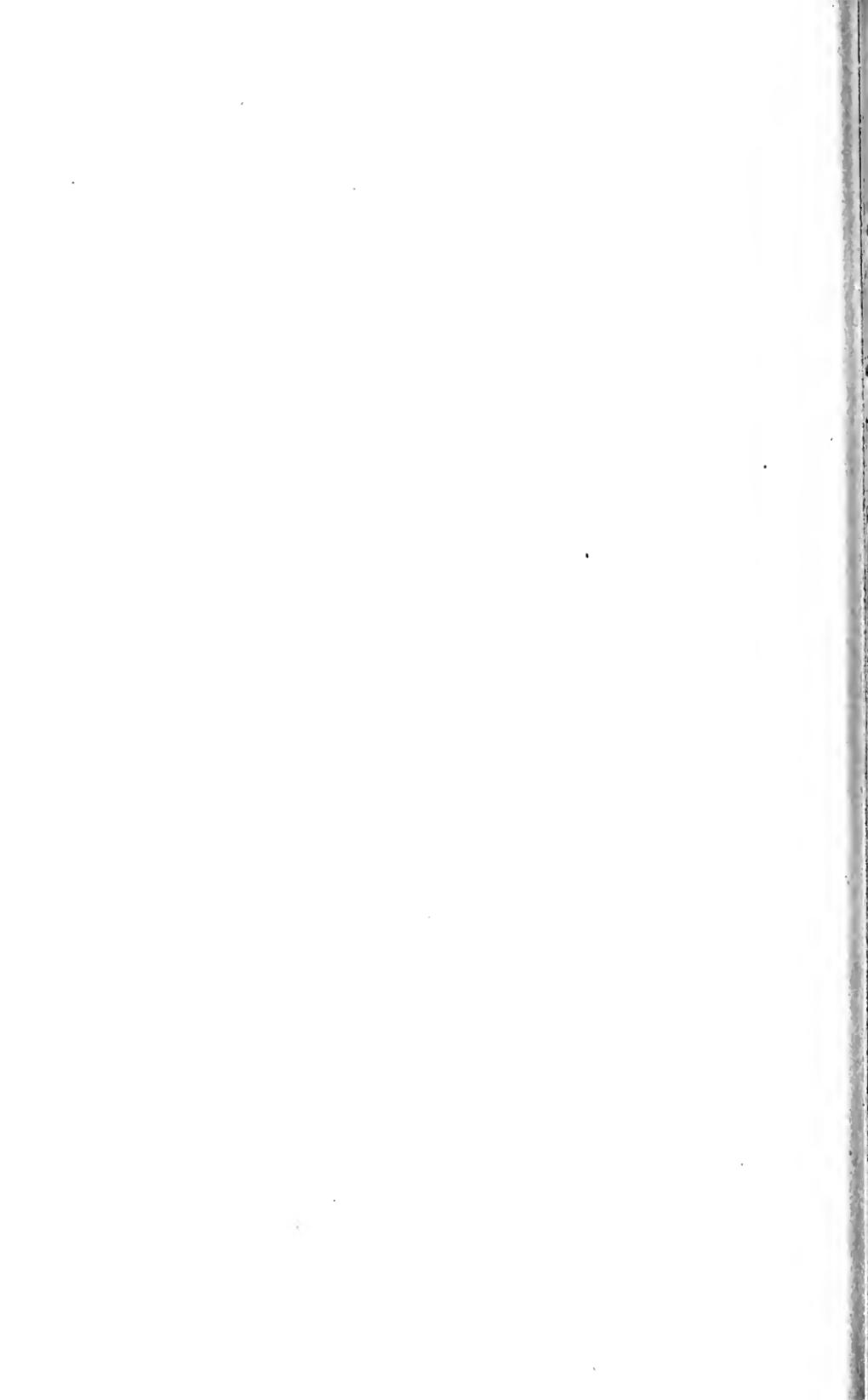
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“CHARTER OAK”



By

ALBERT C. BATES

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Librarian Connecticut Historical
Society

1907

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CHARTER OAK, a tree nearly seven feet in diameter, formerly in Hartford, Conn.; it blew down in a storm, 21 August 1856. A section of its trunk was preserved in the rooms of the Connecticut Historical Society; the remainder — currently believed to rival in miraculous powers of reproduction the loaves and fishes or the Mayflower furniture— was kept or sold for small souvenirs. It is thus venerated from a tradition, first accredited to it in 1789, that in a hollow of it was concealed the charter of Connecticut rescued from Andros in 1687; earlier ones specify an elm, others the houses of different persons. This is of little moment; but the adventures of the charter form a mystery which the latest investigations, instead of illuminating, render utterly insoluble. The contradiction of unquestionable facts is absolute. The story without these is

sufficiently peculiar. James II., wishing to make Connecticut a part of his consolidated New England under Andros (q. v.), found its charter in the way; and as the colony declined to surrender it, he brought writs of quo warranto to vacate it, the last of which was returnable in February 1687. To delay or avoid voluntary surrender, yet escape forfeiture and entire outlawry of rights, they replied that they would much rather stay as they were, but if they could not, preferred a provincial union under Andros over annexation to any other province. The Council chose to consider this a formal waiver of charter rights, and dropped proceedings under the writ; and on 31 October 1687 Andros rode over from Norwich to Hartford, under orders to assume the government. Calling the governor and council together, he demanded surrender of the charter according to their dutiful assurances. The meeting was secret; what happened we learn only from tradition, and the brief account of a later intimate of the actors. The colonial officials protested

and debated till after dark; that this was prearranged is not only morally certain in itself, but Trumbull's account of a long speech by the governor, to no conceivable purpose otherwise, deepens the certainty. Candles were lighted; the charter was (or the charters were) at last brought in and laid on the table; suddenly some officious candle-snuffers put out all the lights, and when they were relighted no charter was to be seen. But if Andros had no longer a charter to suppress, equally the colony had no longer one to appeal to; the old government was just as effectually extinguished as if they had let him have the paper, they cannot have foreseen a revolution in England, and it is not evident what they intended to do with it. Most likely, from their previous actions, it was merely to save their "face" from the humiliation of a formal surrender. There was no outcry by Andros, no charge made against the officials, no appearance of ill-will to them, no report of the affair to England, seemingly no disclosure of it to the train of Massa-

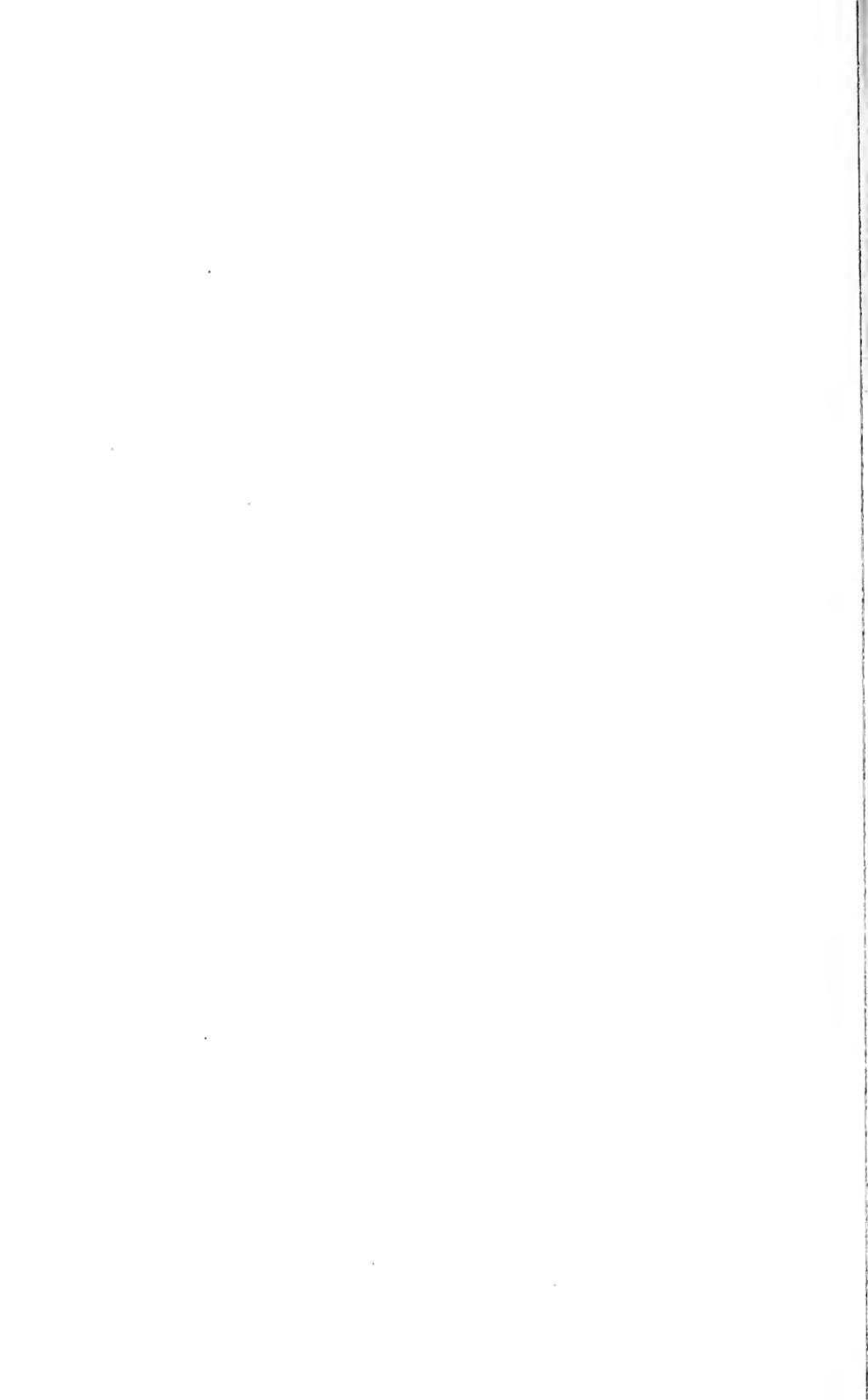
chusetts magnates who accompanied him (and may or may not have attended the meeting), or to any one else; and (perhaps the most curious of all the circumstances of this curious affair) both our informant and tradition stop short at the relighted candles and the missing document, and give no hint what Andros said or if he said anything, or whether he seemed puzzled or offended, or any of the immediate sequelæ of the business. The governor (Treat) had called a meeting of the General Court, which accepted the situation and the annexation; the secretary inscribed it on the colonial records and wrote "Finis" on them; and the next day Andros publicly proclaimed his commission. When James was overthrown and Andros with him, the colony resumed its government, appealed to its charter brought from hiding, and the English authorities admitted without trial that it had never been vacated. But that was chance and not foresight. This, however, is only the beginning of mystery. The charter, obtained by Gov.

John Winthrop from Charles II.'s council in April 1662, was engrossed in duplicate, and the official fees are entered on the English records. No other copies were made, nor could have been unless both the others were lost; and neither was lost. The first copy was sent to the colonial government, which acknowledges receipt of "the charter, the duplicate and the old copy of the former charter" (that is, the Warwick Patent). Duplicate of what? It is usually assumed to mean, of the charter; but the facts to be cited prove that it was of the patent. Winthrop was to bring over the duplicate of the charter with him; and a legislative committee was appointed to receive it from him. That he did not, is conclusively shown by a letter from the colony to its agent, William Whiting, in 1686, instructing him to obtain it from James Porter in London, with whom Winthrop had left it, and use it in defending the colony's rights before the council. That Winthrop may have taken it across once more on official business, and left it

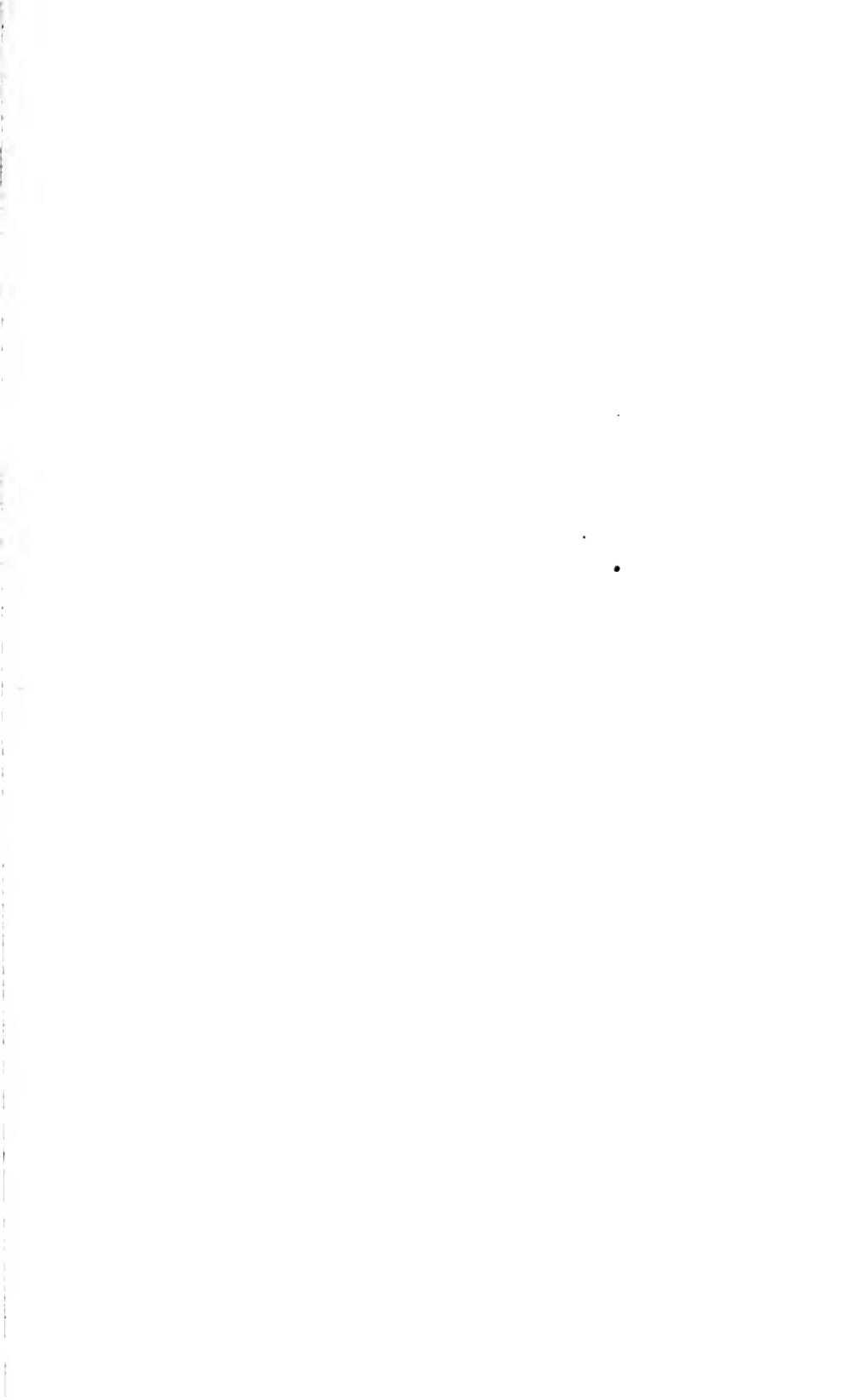
there, is barred out by the fact that he never visited England again. That Whiting sent it back within the next year, is equally negatived by the fact that he continued to need it there and the colony did not need it at all, that he would not have sent it without orders and they gave him no such orders, and that in his correspondence there is no letter of transmittal. Furthermore, a legislative committee of 1715 voted a money acknowledgment to Joseph Wadsworth for safely preserving the "Duplicate Charter" when "our constitution was struck at": it is absurd to suppose they made him the grant for preserving a second copy when they had one safe already. Obviously, the one he preserved was the only one they had. On the other hand, Roger Wolcott, the first narrator (1759), distinctly says that "the charters were set on the table," and that when the candles were relighted the *charters were* gone. Still more specifically, President Stiles of Yale writes in his Itinerary, as from Wolcott, that Nathan Stanley took one copy and

Gov. Talcott's father the other. Wolcott was only eight at the time; but by 1714 he was in the council, in 1715 was on the very committee which made the grant to Wadsworth, and was certainly intimate with many who were present at the scene and probably helped arrange it. We have, then, the certain fact that there was but one copy of the charter in America in 1687, set against the positive assertion of one who must have known, that two were abstracted. Still a third mystery is, that Wadsworth was not present at the meeting and could not have taken the paper; that Wolcott, who publicly honored Wadsworth as the savior of the charter, privately gives all the credit to others and does not even mention Wadsworth, and that the names he cites are really those of members present; and that if one of the actual abstracters passed it to Wadsworth waiting outside, he and not they should receive the public acknowledgment. The writer can guess at solutions to these problems, but all solutions are guesses alike.

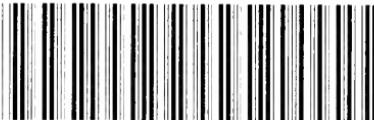
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